**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): Sir, the Law Member suggests that it can be taken up for consideration tomorrow.

**PRESIDENT**: That is not the point at all. The motion before the House is that the Bill be taken up at a subsequent meeting.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): Yes, Sir.

The motion was accepted.

## THE TRAVANCORE VILLAGE PANCHAYAT COURTS REGULATION AMENDMENT BILL.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to amend the Travancore Village Panchayat Courts Regulation, I of 1090. The Bill has been published in the Gazette with a Statement of objects and reasons and I now beg to move that the Bill be read in Council.

**MR. T. K. MADHAVAN NAYAR** (*Ag. Secretary to Government*): I second it.

**MR. A. THANU PILLAI** (*Trivandrum*): I beg to oppose it.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): I wish to know whether the motion has been seconded.

**PRESIDENT**: The motion has been seconded.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): I shall now explain the principle involved in the Bill. This Bill is an amendment to Section 7 of the Village Panchayat Courts Regulation. Section 7 reads thus. "The Presidents and the other Judges of the Village Panchayat Court shall be appointed by our Government once in two years, according to such rules as may, from time to time, be prescribed by our Government in that behalf; provided that Our Government may by rules made in that behalf, provide for all or any of the Judges being elected by the people of the village or villages concerned".

The effect of this provision is that immediately after the expiry of two years of the appointment of a Judge he ceases to be a Judge and if by some mischance or accident a successor is not appointed the Court could not function and administration of Justice cannot go on properly. To avoid such contingencies, an amendment is proposed to be made in this Section to the effect that although the time of two years may expire he shall continue to be a Judge until the successor is appointed.

**MR. MATTHEW MURIKKAN** (*Vaikam*): May I know what is the difficulty in appointing a successor promptly?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Not that there is any definite difficulty. Sometimes it may happen that the appointment is not made at the nick of time. The result will be that administration of justice will suffer.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara cum Kartikapalli*): Is it mischance or accident that stands in the way of Government making the appointment in time?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; generally speaking. Other things are also conceivable. Suppose a Peishkar's recommendation is received as to the nomination of a Judge and it becomes necessary to refer it back for further information. It may take some time.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): It is not possible to know the expiry of the time of a particular Judge?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. It is possible. It is not intended that as a rule the recommendation or appointment should be made only after the expiry of the term. I make provision only for some exceptional cases when for some reason or other the time may expire and yet a successor might not have been appointed. This is not a novel provision in measures of this nature. In the Municipal Regulation a member's term is three years and there is the express provision that after the expiry of that term if a successor is not elected or appointed the former, that is, the sitting member may continue.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Are these Judges elected or nominated?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Now it is by nomination. There is a provision for election although it has not yet been put into operation. The point is a that Judge must be able to function even if a successor is not appointed. For that purpose this amendment is proposed.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Is it for exceptional cases, that an amendment to the Regulation has to be made?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, it is for that. The administration of Justice should not suffer on any account. Even if a successor is not appointed, the old Judge must continue to function.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Then why did the Law lay down that a Judge should continue only for two years?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The policy of the law as a whole does not arise at present. Apparently what is intended is that a non-official Judge should not be a permanent Judge like the stipendiary Judges.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I should like to know why the Law Member should say that the policy of the Regulation does not arise? Is it something like a supplementary demand?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have brought a particular legislative proposal before the House. If he asks for the policy with regard to the various sections I may not have all the papers with me here now.

LIBRARY ARCHIVES Kerala Legislative Assembly

**PRESIDENT**: It is only with regard to the working of a particular Section that an amendment has been brought.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Mr Madhavan Pillai asks why the term of the Judge should expire at the end of two years. What I meant to say was that that provision is already in the Regulation and does not arise for debate now. However, I have suggested a reason for the provision.

**MR. K. MADHAVAN PILLAI** (*Trivandrum cum Neduvangad*): The Law lays down that the Judge shall continue for two years. The same gentleman can continue till a fresh appointment is made, without this amendment.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): That is why I want an amendment.

**MR. K. P. NILAKANTA PILLAI** (*Chirayikil*): By the amendment does the Law Member intend that an unwilling Judge be compelled to continue even after the term has expired?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): I do not catch the question.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): Is it the object of this amendment to compel an unwilling member to remain in office even after he has decided to vacate that office?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): No, not at all.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): May I know whether there is any rule or Regulation which compels that all the Judges of the Village Panchayat Courts should attend office regularly?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): I have not got the rules here. But I know that there is some arrangement by which Judges attend Courts by turns.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): Is the Law Member aware that Village Panchayat Courts are not held very regularly, and the disposal also is very irregular?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): I cannot say.

**MR. N. K. KRISHNA PILLAI** (*Neyyattinkara*): Does the Law Member realise that by this amendment there will be further delay in making fresh appointments?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): No. It is not the object of the Government to make delays in making appointments.

**MR. A. THANU PILLAI** (*Trivandrum*): Will the Law Member cite any instance where cases were pending as a result of Judges not being appointed after the expiry of two years?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): There have been two or three instances, I think. I am not sure of the exact number but there have been some instances.

LIBRARY ARCHIVES Kerala Legislative Assembly

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*) : May I know from the Law Member how many Judges constitute a Village Panchayat Court?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : That depends upon each Court.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*) : Is he aware that more than the number which is expected to constitute a Bench is allowed for Village Panchayat Courts?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : Yes.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*) : Then may I know whether there is any necessity for extra Judges?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : It is not a question of extra Judges remaining. The Judges work in turns. When a Judge is not existing the Court cannot function as efficiently as it is expected to.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*) ; The extra Judge can be asked to form a Court, to meet the contingency.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : The extra Judge is not intended to meet such contingencies ; further even if the quorum is not available for want of the requisite number of Judges, the court cannot sit at all.

**RAO BAHADUR K. A. KRISHNA AIYANGAR** (*Nominated, Deputy President*) : I beg to support the motion. When the Municipal Regulation was taken up for consideration it was considered desirable to make a similar provision that after the expiry of a term, a man does not cease to be a Councillor. The difficulties of the administration were felt and the Council thought that it was desirable in the interests of all and of smooth working of these local self-Government institutions to make a provision that the member whose term has expired shall continue to be a member until his successor's appointment is gazetted. To provide for extreme contingencies this safety valve is put in. I do not see why my friends should suspect any serious danger in an apparently innocuous provision. It should not be an inducement to the executive authorities to delay in filling up a vacancy for an indefinite length of time. Occasions may arise when it would not be possible to fill up a vacancy before the expiry of the term. That has been the common experience of several members and the Presidents of Municipalities, that final orders are not passed before the expiry of the term. There are Councils where these elections take place simultaneously. There are Municipalities where all members are elected together on one particular occasion. The Law fixes a quorum. If you say that all of them automatically vacate their office on the expiry of the term, who is to take charge of the Municipalities? Is it to stand in the mid

LIBRARY ARCHIVES Kerala Legislative Assembly

air? To meet such extraordinary contingencies some provision ought to be made.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): May I know from the Deputy President whether the appointment of a Judge of the Village Panchayat Court is different from the appointment of other officers so far as the public service of the State is concerned?

**RAO BAHADUR K. A. KRISHNA AIYANGAR** (*Nominated, Deputy President*): Absolutely no difference.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): Extending the analogy an officer who has completed his 55th year can very well be asked to continue in office until a successor is appointed?

**RAO BAHADUR K. A. KRISHNA AIYANGAR** (*Nominated, Deputy President*): But it is something different from making a provision for continuing in office for a statutory body like the Village Panchayat Courts.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Does it mean that the statutory body should cease to exist when the expiry of the term of a particular individual has expired?

**RAO BAHADUR K. A. KRISHNA AIYANGAR** (*Nominated, Deputy President*): There is the experience of some Municipalities where elected and nominated members cease to function after the expiry of a particular period. In such cases what is to be done?

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): From the experience of the learned Deputy President may I know the reason for the failure of filling up vacancies?

**RAO BHADUR K. A. KRISHNA AIYANGAR** (*Nominated, Deputy President*): I would not speculate. There are several sources whence the delay might arise. No useful purpose will be served by fastening the responsibility on one particular individuval in the chain of authorities who have to examine questions and ultimately sanction them. The delay may be in the publication in the Gazette. It may be with the clerk of the Secretariat who has to send the cominunication to the Gazette department. It may be in the Municipality itself. It may be in the office of the Dewan Peishkar. After all, responsible officers may not be responsible for the delay merely because some clerk chooses to commit mistakes or remain indifferent.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*) Is it impossible to provide for those contingencies?

**RAO BAHADUR K. A. KRISHNA AIYANGR** (*Nominated, Deputy President*): You cannot cure contingencies by an executive order. My submission is the public interests are not jeopardized. My friends should not assume that the delay is going to be the normal state of affairs hereafter. Occasions may arise when executive heads of local institutions may find it difficult to function if a particular strength is cut down and if they are not in a position to secure a quorum. Does my friend suggest that the Municipalities should adjourn from day to day and week to week, recording in the minutes that due to want of



LIBRARY ARCHIVES Kerala Legislative Assembly

[Rao Bahadur K. A. Krishna Aiyangar.]

quorum the meeting has to be adjourned, that the arrangement for filling up a vacancy has not matured, etc. The reasons which weighed with the Council in enacting an amendment to the Municipal Regulation should weigh with this House in providing for a similar contingency especially after the statement of Mr. Kayalam Parameswaran Pillai. There were a few instances in recent years. Now this difficulty has assumed a definite shape and it is found necessary to make a statutory provision to enable the smooth working of the Regulation.

**MR. R. KESAVA PILLAI** (*Kottarakara cum Kunnattur*): Will it be illegal to announce the appointment of a successor before the expiry of the term?

**RAO BAHADUR K. A. KRISHNA AIYANGAR** (*Nominated, Deputy President*): Who is to announce a successor?

**MR. R. KESAVA PILLAI** (*Kottarakara cum Kunnattur*): Government.

**RAO BAHADUR K. A. KRISHNA AIYANGAR** (*Nominated, Deputy President*): Government could do it only in the Gazette. If Government are going to issue a Press Communique then it is equally easy to publish it in the Gazette. We do not make any progress by accepting the suggestion that executive announcements should be made by Government. It does not meet the actual requirements of the situation. For these reasons I support the motion moved by Mr. Kayalam Parameswaran Pillai.

**MR. A. THANU PILLAI** (*Trivandrum*): I oppose the motion. The provision in the Regulation is that the President or the Judge of the Village Panchayat Court should hold office *only* for two years. The result of introducing this amendment will be, that these two years will in very many cases be extended by more years. I make this statement on the basis of the practice of our Government in the matter of filling up vacancies in the Service itself. To the question whether a delay of six months in appointing a High Court Judge was a long delay or not, the Government said that there was no delay in that. If six months is no delay in filling up a Judgeship of the High Court, Government are likely to take the view that no amount of delay will be a delay in the matter of filling up vacancies in the Village Panchayat Courts. That is a matter in which several employees may be able to exert their influence directly and indirectly. A clerk of the Dewan Peishkar's Office or even of the Tahsildar might in many cases be able to exert some kind of influence. He may delay papers for some weeks. When the Regulation provides that until a successor is nominated the existing Judge should continue, the matter is not likely to be considered serious by the officers who have to do with the nomination of Judges. The result will be some persons will continue in office for long periods after their terms are over. To me, it seems, at present, nominations to these vacancies are made much more promptly than

LIBRARY ARCHIVES Kerala Legislative Assembly

appointments to vacancies in the Service itself. That can only be attributed to the present law and if the law is changed and the proposed amendment is introduced these vacancies will be pending for months and probably years. This is the main reason why I oppose this amendment. It is a matter known to all that several vacancies continue unfilled for months and years by the Government. Under these circumstances it would be a thoroughly unwise step so far as this side of the House is concerned to allow this amendment to form part of the law.

Secondly, when a person is nominated as a Judge of the Panchayat Court, he is previously consulted and his wishes are taken into consideration. He agrees to hold office for two years. At the expiry of the term why should he be asked to continue in the same office? That is unreasonable and unfair.

**PRESIDENT**: He can resign if he is unwilling even during the term of two years.

**MR. A. THANU PILLAI** (*Trivandrum*): Everybody is expected to have his own notions of fairness and the man who accepted office for two years may find it unfair to resign merely because he is asked to serve for a few months more. That would be putting people in awkward situations. I think the amendment should be disallowed.

**MR. A. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): After the Bill is passed is it obligatory on any one to fill up the vacancy?

**MR. A. THANU PILLAI** (*Trivandrum*): Even from the wording of the amendment, it is not obligatory. There is not even the term fixing the period for which a person may be asked to continue after the expiry of the term. In such cases, it is positive, that occasions will arise where the same man will be asked to continue for months and years to come after the term expires. On these grounds I oppose the amendment.

**MR. A. G. MENON** (*Parur*): Sir, I am sorry, I have to differ from the remarks of my friends here. I think the amendment is in perfect order. Those who are concerned with the working of these institutions will bear out the fact that this amendment is absolutely necessary in the interests of justice. I can tell you one example. Owing to the absence of a provision like this, there was no Village Panchayat Court in Parur. It is not the fault of anybody. There was correspondence going on. I know the whole situation thoroughly. But some how or other this was the state of affairs for three months.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): What does it show except that Government do not function properly.

**MR. A. G. MENON** (*Parur*): You cannot expect Government to be perfect so long as it contains human beings. There is a similar rule found in the Municipal Regulation.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): How many Judges are there in the Parur Village Panchayat Court?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. G. MENON (*Parur*): I think it is five or so. I do not quite remember.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Does he know how many Judges there constitute a Bench?

MR. A. G. MENON (*Parur*): I am not in touch with the question now. On account of the absence of this rule there was no court at all for four months.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it because the vacancy of one Judge or several Judges was not filled?

MR. A. G. MENON (*Parur*): There were not sufficient number of Judges to form a quorum.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it because the Judges were unwilling to attend office?

MR. A. G. MENON (*Parur*): Because their term was over they could not sit for one day more. A like provision is found in the Municipal Regulation.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is there a corresponding provision in the British Indian Regulation?

MR. A. G. MENON (*Parur*): I think so.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether there was any difficulty in finding proper persons in Parur?

MR. A. G. MENON (*Parur*): Everywhere it is so, so long as it is conducted by human agencies. Perfection in all aspects cannot be expected at the hands of human agencies.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I also beg to oppose this motion. My ground is not that there is no delay in making appointments. My complaint is that there is too much delay in making appointments and nominations. This Council should not give statutory sanction for such delays. Mr. Thanu Pillai was saying that there was delay of six months in the appointment of a High Court Judge. But as a matter of fact I know that in the appointment of a Village Panchayat Court President there was 8 months' delay in Quilon. It is therefore not unusual in the case of the Judges of the Village Panchayat Courts also to make appointments months after the expiry of the term of a particular individual. Some of my friends think that this difficulty could be remedied only by a legislative enactment. My friend Mr. Menon says that human agencies could not work perfectly in all ways and so there might be all these faults. If that is an argument which is advanced earnestly by a member, what I beg to submit is, there may be human defects by which people will commit thefts. Are you going to remove the Sections of the Penal Code which inflict punishment upon persons who commit offences? That is not the case. My friend Mr. Menon was saying that he is in the know of all things, as to the conduct of business of the Village Panchayat Court at Parur and that he is sure that it was not due to the fault of anybody that there was so much delay. When the Government know that the term of a particular member is fixed as two years and the date of expiry

LIBRARY ARCHIVES Kerala Legislative Assembly

is known two years before, I do not think, that there could be much reason for any delay in making the appointment. I was asking Mr. Menon whether there was any corresponding provision in the British Indian enactment. This Act is based on the Madras Act of 1816. It was enacted in 1090. I have not referred to the British Indian enactment. But what I submit is if there was such a provision that would have found a place in our Regulation also.

**MR. A. G. MENON** (*Parur*): Is that a justification because it is found in British India it should be introduced here?

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): This is as much an argument that because it is in the Municipal Regulation it should find a place here also. Government should function properly and unnecessary delay should not be countenanced by this House. The Deputy President was saying that the delay might be due to the fault of many persons through whom papers have to pass. What is the remedy? In such cases Government should punish those persons, who do not discharge their duties properly. Do not introduce any legislation by which these delays, such culpable negligence could in any way be tolerated. That is not the proper course. I agree with the Law Member that there will be cases in which accidents or mischance stand in the way of filling up vacancies. That will apply to one or two individuals. All these nominations are not made on one day. If we are to picture the present position what we have to say is, it might be by mischance or accident that nomination is made on a proper date. The usual rule is otherwise. We do not want to say that that usual rule must be approved by this Council. On these grounds, I oppose the motion of Mr. Kayalam Paramesvaran Pillai.

**MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): Sir, after hearing Mr. Thanu Pillai and Mr. Asan who opposed the motion and Mr. Paramesvaran Pillai who moved the amendment the idea behind the minds of those who opposed and the one who moved the motion seems to be that the public should not suffer. Mr. Thanu Pillai and Mr. Asan said that by this amendment there will be a tendency for the Government to delay nominations. This amendment merely asks that the Judge who is relieved after two years might continue. There is no implication anywhere that the man whose period ceased at the end of two years should not be reappointed again. If this amendment is not allowed the only difficulty is that a Court ceases to exist. Though there may not be many instances, there may be some where such cases may arise and people put to difficulties. Even if there is no such amendment there is nothing precluding the Government to nominate the very same person even after the period of two years. By this amendment Government do not appoint him in paper but only he is continuing. Where is the harm, I ask, by accepting this amendment. If some members said there is delay the remedy sought to be removed is not by opposing this amendment. But there are various other ways by which Government can be made to feel that they should not delay.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Was the member aware of such delays in making appointments and nominations by Government?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): It is not relevant to the point at issue. My submission is not on the question of delays in the matter of appointments and nominations. What will be the position if this amendment is vetoed by the Council? There will be no Judges after the expiry of a particular time. All that we are at is that there should be no delay in the administration of justice. There may be delay in nomination of certain cases. But let us choose the lesser evil. The point now at issue is that there should not be delay in the administration of justice and not whether there is or is not delay in the executive making nominations or appointments. Therefore, Sir, I submit that the principle of this amending Bill should not be opposed. I would ask my friend Mr. Thanu Pillai to withdraw his opposition to the motion of the Law Member.

The question that the principle of the Village Panchayat Courts' Regulation Amendment Bill be accepted by the House, was then put to the vote of the House and carried, 31 voting for.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I wish to know the names of those who opposed the Bill.

PRESIDENT: I found that there were 31 *for* the Bill and therefore thought that it was not necessary to count the number of those *against*.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I demand a poll.

A poll was taken and the House divided as follows:—

AYES 31.

1 Mr. V. Arunachalam Aiyar
2 „ L. A. Bishop
3 „ I. C. Chacko
4 „ R. Dhanukoti Pillai
5 „ P. Gomathinayakam Pillai
6 „ P. N. Krishna Pillai
7 „ C. S. Krishnaswami Aiyar
8 Rao Sahib Dr. N. Kunjan Pillai
9 Mr. T. K. Madhavan Nayar
10 „ Kayalam Paramesvaran Pillai
11 Dr. K. Raman Tampi
12 Mr. T. P. Ramasubba Aiyar
13 Rao Bahadur K. V. Rangaswami Aiyangar
14 Mr. S. C. H. Robinson
15 Mr. R. Vaidyalingom Pillai
16 Mrs. Elizabeth Kuruvila
17 Mr. D. Francis
18 „ A. G. Menon
19 „ K. C. Karunakaran
20 „ K. N. Kesavan Namputiripad
21 „ T. C. Kesava Pillai
22 Rao Bahadur K. A. Krishna Aiyangar
23 Mr. N. R. Krishnan
24 „ A. C. Kuriakose
25 „ K. Madhavan
26 „ P. S. Mahomed
27 „ Matthew Murikkan
28 „ G. P. Nilakanta Pillai
29 „ K. Padmanabha Panikkar
30 „ K. G. Paramesvaran Pillai
31 „ S. Piraviperumal Pillai

LIBRARY ARCHIVES Kerala Legislative Assembly

NOES—10.

| | | | |
|---|---|---|---|
| 1 | Mr. A. S. Damodaran Asan | 6 | Mr. K. Madhavan Pillai |
| 2 | D. C. Joseph | 7 | H. B. Mahomed Rowther |
| 3 | R. Kesava Pillai | 8 | K. P. Nilakanta Pillai |
| 4 | N. K. Krishna Pillai | 9 | Muruvelil Pachu Pillai |
| 5 | V. S. Krishna Pillai | 10 | A. Thanu Pillai |

NEUTRALS—2

| | | | |
|---|---|---|---|
| 1 | Mr. L. R. Raja Raja Varma Koil Tampuran | 2. | Mr. Revati Nal Rama Varma Raja. |

The motion was carried and the principle of the Bill was accepted by the House.

The Council adjourned for lunch at 2-5 P. M. and met again at 3-50 P. M.

The Secretary to the Legislative Council then read the title of the Travancore Village Panchayat Courts Regulation Amendment Bill.

## THE TRAVANCORE INCOME TAX REGULATION AMENDMENT BILL.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to amend the Travancore Income Tax Regulation VIII of 1090.

**RAO BAHADUR K. A. KRISHNA AIYANGAR** (*Nominated, Deputy President*): Before my friend proceeds with his observations on the Bill, I beg to bring to your notice, Sir, that, personally, a copy of the Bill was put into *my* hands only after I came into this Hall this morning. I know, Sir, that strictly speaking, under the Rules, the member in charge of a Bill may introduce it *any* time after the publication of the Bill in the Gazette, since by such publication the leave of the Council is dispensed with. Non-official members have almost always to ask for the leave of the House; sometimes Government members also ask for the leave of the House. In all these cases, where the leave of the House is asked for, a month's notice seems to be insisted upon by the Rules. In the present instance, Sir, in regard to the Bill which the learned Law Member now seeks to introduce, we have not had even a few hours' notice.

The Bill deals with an important piece of legislation which unfortunately is not satisfactorily understood even by members of the legal profession. To spring such a measure upon the Council, without giving the members time for understanding the implications of the provisions, appears to me to be taking advantage very literally of that provision in the Rules which says *'any time after publication in the Government Gazette the member may introduce it in the Council.'* There is no definite provision in the Rules or Standing Orders as to what time must elapse before a Bill that has been published in the Gazette is introduced in the Council, I am referring to Bills for which leave of the House is not necessary and has been dispensed with on account of

LIBRARY ARCHIVES Kerala Legislative Assembly